

antiseptic, and to be an antiseptic wash when made and used according to directions, whereas it was not antiseptic and was not an antiseptic wash when made and used according to directions.

Misbranding was alleged with respect to all products for the reason that certain statements appearing on the bottle labels and on the cartons or packages containing the articles were false and fraudulent, that is to say, the cough syrup was falsely and fraudulently represented to be a relief and remedy for coughs, bronchitis, asthmatic coughs, and affections of the lungs; the female tonic was falsely and fraudulently represented to be effective as a female tonic, as a relief in cases of profuse menstruation, menorrhagia and whites, leucorrhea and painful menstruation, and effective as a treatment of ovarian trouble and as a tonic for weakness and dragginess in the womb and its regions from whatever cause; the antiseptic roots were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for leucorrhea and gleet, ulcers and sores, and effective as a treatment in all kinds of diseases; the female tablets were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for menstrual irregularities; the rheumatic tablets were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for rheumatism, lumbago, stiff neck, neuralgia, and pain in the side; the kidney tonic was falsely and fraudulently represented to be effective as a kidney tonic, and effective to strengthen the kidneys and bladder, and as a relief for affections of the liver and stomach; the nerve syrup was falsely and fraudulently represented to be effective as a relief for nervous disorders, epilepsy, neuralgic convulsions, and asthmatic affections, and effective to relieve headache (*maux de tête*) hysteria (*hysterie*) and epileptic convulsions (*convulsions d'épilepsie*); the lung tonic was falsely and fraudulently represented to be effective as a lung tonic, effective to strengthen the lungs, and effective in the treatment of catarrh, spitting of blood, and affections of the lungs; and the la grippe capsules were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for la grippe, grippe, and influenza, and effective to relieve pain and produce sleep.

Misbranding of the cough syrup, female tonic, kidney tonic, nerve syrup, and lung tonic was alleged for the further reason that the statement "non-alcoholic," borne on the cartons containing the articles was false and misleading in that the articles contained alcohol and were alcoholic; and for the further reason that the articles contained alcohol and the labels failed to bear a statement of the quantity and proportion of alcohol contained therein. Misbranding of the rheumatic tablets was alleged for the reason that they contained phenacetin, a derivative of acetanilid, and the label failed to bear a statement that phenacetin is a derivative of acetanilid.

On November 1, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$425.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20158. Misbranding of Creme Crede. U.S. v. 12 Large Tubes, et al., of Creme Crede. Product adjudged misbranded. Decree of destruction entered with provision for release under bond. (F. & D. No. 28836. Sample Nos. 6143-A, 6144-A.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed in the label.

On September 1, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 large tubes and 25 small tubes of Creme Crede, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, in part on or about June 3, 1932, and in part on or about June 16, 1932, by the Scientific Products Laboratories, from Lincoln, Nebr., to Kansas City, Mo., and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this Department showed that it consisted essentially of boric acid, tragacanth, glycerin, a small proportion of lactic acid, traces of phenolic compound and a volatile oil, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Carton) "Prophylactique * * * Highly efficient in the Treatment of Leucorrhea,

Vaginitis, * * * and Catarrhal Inflammations of the Vaginal Tract—Especially Adapted For * * * Prophylactic Use"; (tube) "For * * * Prophylactic Use"; (circular) "According to eminent scientific authority the ideal vaginal antiseptic should * * * exert a sufficient antiseptic power to kill all invading germs and * * * have a * * * protective action upon the vaginal tissues. Creme Crede (prophylactique) has proved to be the practical realization of an ideal vaginal antiseptic, * * * These ingredients are well known for their valuable * * * action to inflamed mucous membranes as well as * * * for vaginal prophylaxis * * * Cancer of the reproductive organs is too often the result of long continued irritation. Every well informed physician, surgeon or chemist knows what an amount of ill health and unhappiness is caused annually through the wrongful use of caustic burning fluids in the personal hygiene of women. * * * Creme Crede (prophylactique) is Effective. * * * Being delivered in the cervix by a special applicator it is distributed into the smallest microscopical fissures where an antiseptic must reach if genuine prophylaxis be attained. The consistency of Creme Crede is such that it spreads rapidly over the cervix and into the vaginal folds thereby forming a protective antiseptic barrier to infection. The interior of the uterus is completely protected from invasion. * * * Because of the formula and method of distribution, Creme Crede * * * is indicated in the treatment of Leucorrhea, Vaginitis, * * * and other Catarrhal inflammations of the vaginal mucous membranes. * * * Application as a Prophylactic measure As a Prophylactic simply use one application well up in the vagina when necessary. The full antiseptic and protective action is available immediately after use and continued for several hours. It is unnecessary to use a douche when Creme Crede is employed for feminine prophylaxis. * * * preventing the growth of harmful bacteria."

W. L. Johnson, trading as the Scientific Products Laboratories, Lincoln, Nebr., appeared as claimant for the property and admitted labeling the product as alleged in the libel but denied bad faith or reckless disregard of the truth or falsity of the statements contained therein. On September 7, 1932, the case having come on for hearing before the court, judgment was entered finding the product misbranded and ordering that it be destroyed unless the claimant within 10 days filed a bond in the sum of \$100, conditioned that it be relabeled in manner not in conflict with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20159. Misbranding of Hutchison's Big Head Liniment and Magic oil. U.S. v. 161 Bottles of Hutchison's Big Head Liniment and Magic Oil. Default decree of condemnation and destruction. (F. & D. Nos. 28975, 28976. Sample Nos. 13308-A, 13309-A.)

This case involved the shipment of two drug preparations. Examination showed that the articles contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On October 3, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 small bottles and 52 large bottles of Hutchison's Big Head liniment and 88 bottles of Hutchison's Magic oil, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped in interstate commerce by the Hutchison Medicine Co., from Texarkana, Tex., to Shreveport, La., in part on or about June 29, 1932, and in part on or about July 11, 1932, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Big Head liniment consisted essentially of turpentine oil, a petroleum oil, and a trace of mercuric chloride; and that the Magic oil consisted essentially of capsicum oleoresin, small proportions of camphor, peppermint oil, a salicylate, and tannin, alcohol, a trace of chloroform, and water.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative and therapeutic effects of the said articles, were false and fraudulent: (Big Head liniment, small carton) "Recommended by us in treating muscular rheumatism and cramps, lumbago, sciatica, * * * pleurisy pains, * * * stiff neck or back, bronchial coughs, sore throat and chest colds. * * * ordinary sores"; (Big Head liniment, small bottle) "Recommended by us in treating muscular rheumatism and cramps, lumbago, sciatica, * * * pleurisy pains,